

EXHIBIT J

EXHIBIT A-1

**Kubala in View of Hammond and Beyer '728
For U.S. Patent No. 8,213,970**

Exhibit A-1 – Kubala in View of Hammond and Beyer ‘728

U.S. Pat. Pub. No. 2006/0218232 (“Kubala”) in combination with U.S. Pat. No. 6,854,007 (“Hammond”) and U.S. Pat. No. 7,031,728 (“Beyer ‘728”) renders obvious claims 10-13 of the ‘970 patent.

Kubala published on September 28, 2006 and is prior art to the ‘970 patent under at least pre-AIA 35 U.S.C. § 102(b).

Hammond published on February 8, 2005 and is prior art to the ‘970 patent under at least pre-AIA 35 U.S.C. § 102(b).

Beyer ‘728 published on April 18, 2006 and is prior art to the ‘970 patent under at least pre-AIA 35 U.S.C. § 102(b).

It would have been obvious to combine *Hammond’s* teachings with *Kubala* as both *Kubala* and *Hammond* relate to exchanging and tracking recipient-device acknowledgements for electronic messages. A person having ordinary skill in the art would have been motivated to modify *Kubala* with the teachings of *Hammond* in order to increase the chances that a recipient responds to an electronic message that requires response by using the message tracking techniques described in *Hammond*.

It would have been obvious to combine *Beyer ‘728’s* teachings of mapping systems and obtaining information regarding a recipient device with *Kubala* as both *Kubala* and *Beyer ‘728* relate to messaging other individuals using the communications capability of a mobile device. *See Beyer ‘728* at 4:26-39 (“[T]he operator can activate different maps, change map scales, select which fixed entities are desired to be displayed, display the information concerning the symbol the operator has touched, initiate phone voice calls, send messages (text, photographs and videos), enter symbols and information representative of other entities, view the locations and statuses of the other communications net participants, establish conference calls, pre-establish conference sub-nets that, when activated, cause all the phone numbers that are specified to be conference for voice, text and photograph and video communications, and transmit messages to remote phones which cause the remote phones to make calls, verbal announcements, vibrate, increase sound levels and other functions.”)

Beyer ‘728 describes expeditiously initiating communication with nearby users using a geographic map display that displays the location of other users on the geographic map. *See, e.g., Beyer ‘728* at 5:9-20 (“Each cellular phone/PDA/GPS has the communications hardware along with the circuitry in software to initiate a voice telephone call or transmit data messages, photographs, or videos by touching the screen with a stylus or finger at the symbol location displayed on the screen of the desired phone to be called and then selecting the “call” software switch on the display touch screen. The software will then cause the cellular phone to call to the specific phone number represented by the symbol on the screen. This is done automatically. This action alleviates completely the necessity of actually looking up a phone number and manually entering the phone numbers required to make a cellular phone call.”). *Beyer ‘728* describes that the disclosed technique is useful for overcoming challenges with text messages. *See id.* at 1:61-2:54; *see also Kubala* at ¶ 32 (noting that “[a]lthough the term “e-mail message” is used throughout the description of the present invention, an e-mail message [may] comprise

various types of electronic messages, e.g., text messages, instant messages, fax messages, voicemail messages, video messages, audio messages, and other types of messages; the present invention is applicable to various types of electronic communication applications and/or devices within which the various types of electronic messages can be processed”).

A person of ordinary skill in the art would have appreciated that providing such map/location functionality together with obtaining other information regarding a recipient device (e.g., the “location and status data” discussed herein) in *Kubala* would have allowed *Kubala*’s sender PDA/cell phone to monitor the locations of recipient PDA/cell phones in connection with sending an email, to check if the recipients are nearby and/or in a position to respond to an electronic message. *Kubala* itself recognizes that “it would be advantageous to provide productivity-enhancing features within e-mail applications.” *See Kubala* at ¶ 8. A person having ordinary skill in the art would have recognized that *Beyer* ’728’s map/location functionality is simply another productivity-enhancing feature in the same e-mail context. This combination would have facilitated interaction among users based on relative position (i.e., based on *Beyer* ’728’s mapping and location-based communications techniques) and in particular enabling users to send and receive messages to nearby devices as shown on a geographical map displayed by a mobile device). This would have furthered *Kubala*’s goal of providing features in e-mail applications that reduce the amount of time between the receipt of an important e-mail message by a recipient and the generation of a response to that e-mail message by the recipient. *Kubala* at ¶ 7.

Additional reasons to combine *Kubala*, *Hammond*, and *Beyer* ’728 are discussed in the accompanying contentions.

Further, a person of ordinary skill in the art would have had a reasonable expectation of success in combining *Beyer* ’728 with *Kubala* (and/or *Kubala-Hammond*) as *Kubala* and *Beyer* ’728 both involve PDA/cell phones running software. *See Beyer* ’728 at 6:5-33.

Claim	’970 Patent	Prior Art
10[pre]	A method of receiving, acknowledging and responding to a forced message alert from a sender PDA/cell phone to a recipient PDA/cell phone, wherein the	<p><i>Kubala</i> discloses a method of receiving, acknowledging and responding to a forced message alert from a sender PDA/cell phone to a recipient PDA/cell phone, wherein the receipt, acknowledgment, and response to said forced message alert is forced by a forced message alert software application program.</p> <p><i>See e.g., Kubala</i> at Abstract (“A method, system, apparatus, or computer program product is presented for processing electronic messages. An electronic message is received for a recipient from a sender, and a data field is detected in the received electronic message that indicates a request by the sender for a response from the recipient for the received electronic message.”).</p>

<p>receipt, acknowledgment, and response to said forced message alert is forced by a forced message alert software application program, said method comprising the steps of:</p>	<p><i>Kubala</i> also discloses a plurality of PDA/cell phones that communicate with each other. <i>See id.</i> at ¶¶ 27, 32-33, FIG. 1. In other words, one PDA/cell phone sends an electronic message (i.e. “a sender PDA/cell phone”) and another PDA/cell phone receives it (i.e., a “recipient PDA/cell phone”).</p> <p><i>Kubala</i> also discloses that the communication system was known to “generate return receipts to the sender when the sender’s e-mail message is received at its intended destination or when the recipient opens the e-mail message, thereby providing an acknowledgement that a particular message has been received and/or opened.” <i>See also, e.g., id.</i> at ¶ 6 (“Other prior art solutions have provided the ability to generate return receipts to the sender when the sender’s e-mail message is received at its intended destination or when the recipient opens the e-mail message, thereby providing an acknowledgement that a particular message has been received and/or opened.”). A person of ordinary skill in the art at the time of the invention would have understood that return receipts could be implemented with the enhanced email application described in <i>Kubala</i>, for example, to provide the enhanced e-mail application of <i>Kubala</i> with additional “[p]roductivity-enhancing features.”</p> <p><i>See also, e.g., id.</i> at FIGS. 5-6, 9.</p>
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